

FILED

Clerk
District Court

JUN 20 2006

For The Northern Mariana Islands

By _____
(Deputy Clerk)

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Attorneys for Defendant
Maeda Pacific Corporation

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN MARIANA ISLANDS

TOSHIHIRO TAKAHASHI,

Plaintiff,

vs.

MAEDA PACIFIC CORPORATION,

Defendant.

CIVIL ACTION NO. CV 05-0026

OPPOSITION TO JURY REQUEST FOR
CALCULATOR

DATE: June 20, 2006

TIME: 1:30 p.m.

JUDGE: Alex R. Munson

Comes now the Defendant Maeda Pacific Corporation, through its counsel, and respectfully requests the Court to affirm its previous ruling denying the foreperson's request for a calculator.

MEMORANDUM OF POINTS AND AUTHORITIES

Background

In a note to the Court dated June 19, 2006, at the conclusion of the first day of deliberations, the jury foreperson requested a calculator and dictionary from the Court. At hearing prior to start of deliberations on June 20, 2006, the Court denied the request and notified the foreperson that a calculator and dictionary would not be provided and that the jury should continue with their deliberations.


There is no precedent or requirement that the Court provide the requested calculator to

1 the jury and the Court's decision to either grant or deny the same is clearly a matter of judicial
2 discretion. *State v. Lihosit*, 131 N.M. 426, 38 P3d 194 (N.M. App., 2002).

3 Having determined that absent a specific instruction, the use of a calculator would be too
4 speculative in this matter, the Court denied the jury foreman's request. Absent a specific
5 mandatory requirement to that the Court provide a calculator, Plaintiff's request for
6 reconsideration should be denied.

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8 CARLSMITH BALL LLP

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10 DATED: Saipan, MP, June 20, 2006.

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12 STEVEN CARRARA
13 Attorneys for Defendant
14 Maeda Pacific Corporation
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